IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 7231 of 1997

Between:

Sri Vanga Satyanarayana S/o V.Pullaiah
Hyderabad.

..... PETITIONER

AND

1 The Presiding Officer, Labour Court-I,
Hyderabad.
2 The Managing Director, NCL Industries Ltd.,
7th Floor, Raghava Ratna Towers, Chirag Ali Lane, Hyderabad.
3 The Managing Director, M/s NCL Seccolor Ltd.,
7th Floor, Raghava Ratna Towers, Chirag Ali Lane, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari after calling for the records from the Labour Court-II, Hyderabad quash the award in I.D.No.62 of 1995,dt.13-11-1996 and consequently direct the respondents 2 and 3 to reinstate the petitioner with back wages and continuity of service and attendant benefits.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.1:None

Counsel for the Respondent Nos.2 and 3: MR.P.NAGESWAR SREE

The Court made the following Order :

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO.7231 OF 1997

O R D E R:

This writ petition is filed by the workman aggrieved by the award passed by the Labour Court-II, Hyderabad in I.D.No.62 of 1995 dated 13.11.1996.

Petitioner-workman approached the Labour Court by filing an I.D.No. 62 of 1995 alleging that his services were orally terminated and the said termination was illegal and liable to be set aside for not complying with the provisions of the Industrial Disputes Act. The Labour Court, on appreciation of the evidence available on record, gave a finding that the petitioner abandoned his job and does not amount to retrenchment, and therefore, he is not entitled for any relief as prayed for. Against the same, the petitioner has come up with the present writ petition.

Learned counsel for the petitioner contended that the Labour Court has committed an error in rejecting the case of the petitioner by passing a Nil award. It is contended that the Labour Court erred in finding that the petitioner-workman had abandoned his job and is not a case of termination nor it amounts to retrenchment and since the findings arrived at by the Labour Court are not supported by the material evidence, the award passed by the Labour Court is liable to be set aside.

Learned counsel appearing for the respondents-Management, on the other hand, supported the award.

Heard both sides and considered the material available on record.

The Labour Court, on appreciation of the material available on record, recorded a finding that the petitioner-workman had abandoned his job and therefore, it is not a case of termination of his service, and consequently it amounts to

retrenchment and therefore, the I.D. was dismissed by passing Nil award. In view of the categorical finding of fact recorded by the Labour Court, there is no merit warranting interference of this Court.

The writ petition is accordingly dismissed. No costs.

19..11..2004

usd

To

1 The Presiding Officer, Labour Court-I,
Hyderabad.
2 The Managing Director, NCL Industries Ltd.,
7th Floor, Raghava Ratna Towers, Chirag Ali Lane, Hyderabad.
3 The Managing Director, M/s NCL Seccolor Ltd.,
7th Floor, Raghava Ratna Towers, Chirag Ali Lane, Hyderabad.

4. Two CD copies.